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Suite 2600
180 Elgin Street
Ottawa, Ontario
Canada K1P 1C3
Telephone (613) 233-1781
Facsimile (613) 563-9869
www.gowlings.com

John D. Harris
john.harris@gowlings.com

Facsimile

To **Examiner Inder Mehra**

United States Patent and
Company Trademark Office

City / Country Arlington, Virginia USA

Fax Number **(703) 872-9306**

Phone Number (571) 272-3170

From **John D. Harris**

Date **February 7, 2005**

Re **Application No. 09/406,837 filed September 28, 1999**

Total Pages **(including cover) 17**

File Number **08-886240US**

Staff Code **2058**

Dear Examiner Mehra:

Attached is our response to the outstanding Office Action dated November 17, 2004 due February 17, 2005.

Please acknowledge safe receipt of this response.

Yours very truly,

John D. Harris

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The Honorable Commissioner of Patents
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of: SEDDIGH, Nabil N.; NANDY, Biswajit B.;
and SALIM, Jamal Hadi:**

Serial No. : 09/406,837 Group Art Unit : 2666
Filed : September 28, 1999 Examiner : MEHRA, Inder P.
For : **System and Method for a Negative Acknowledgement-Based
Transmission Control Protocol**
Date : February 7, 2005 Docket No. : 08886240US

The Honorable Commissioner of Patents and Trademarks,
WASHINGTON, D.C.
UNITED STATES OF AMERICA 20231

Response to Office Action

Sir:

The following Remarks are in response to the Office Action dated November 17, 2004, in reference to the telephone interview between Examiner Mehra, John Harris (Reg.'s No. 39,465) and Xiang Lu (technical consultant), on February 4, 2005. In the interview, it was agreed that the Office Action dated November 17, 2004 was mistakenly labelled as Final, as least for the reason that the Kadansky reference was cited for the first time. The Office Action dated November 17, 2004 is therefore being considered by the Applicant as non-final.

Remarks

Reconsideration of the present application based on following comments is respectfully requested.

[1] The present invention, as claimed by the claims presently on file, is for controlling congestion where a TCP connection is established for transmitting data in TCP. Claims 1, 11, 15, 22, 26, and 28-29 are independent claims.

[2] For better reference, claim 1 of the present application is listed as follows:

A method of transmitting data in a data communications network, comprising the steps of:

- (i) establishing a communications link between a transmitter and a receiver through